

ATTENTION PCT LEGAL OFFICE

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a)



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioneer for Patents, Office of PCT Legal Administration, PO Box 1450, Alexandria, Virginia 22213-1450

29 JUNE 2003  
HUESCHEN AND SAGE

G. Patrick Sage  
Dated: 29 JUNE 2003

PF96PCT

\* \* \* \* \*

Applicant : Jean Pierre GIRAUD & Roger NOBILET  
Serial No. : 09/869,768  
Filed : June 29, 2001  
Title : Dispenser of Objects  
Art Unit : 3651  
Examiner : Deborah D. WILLIAMS, Esq.

\* \* \* \* \*

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

RENEWED PETITION UNDER 37 CFR § 1.47(a)

Responsive to the PCT Legal Division's (hereinafter the Office) April 29, 2003 dismissal of the applicants' PETITION UNDER 37 CFR § 1.47(a) filed February 5, 2003, the applicants renew their Petition as follows. The time for response is extended for one (1) month with this response by enclosure of the appropriate fee.

## BACKGROUND

On February 6, 2002, the USPTO issued a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 USC § 371, giving the applicants notice that the Oath or Declaration of the inventors MUST be furnished. On May 9, 2002 the applicants filed with the USPTO a Transmittal of Missing Parts under Certificate of Mailing, which Transmittal included:

**Transmittal of Missing Parts, and accompanying fee of \$130,  
Copy of Notice to File Missing Parts,  
Declaration and Power of Attorney,  
Petition under 37 CFR § 1.47, with accompanying evidence,  
Petition for two (2) month Extension, with accompanying \$400.00 fee.**

The date and contents of the filing are not in dispute.

On February 5, 2003 the applicants filed with the USPTO a Renewed Petition Under 37 CFR § 1.47(a) in response to the Office's September 18, 2002 Dismissal. The Renewed Petition included:

**A further Petition describing "facts which are relied on to establish that a diligent effort was made..." to contact the non-signing inventor and obtain his signature and concluding that the non-signing/non-responsive inventor "refuses to sign."**

**A translation of the evidence already of record including evidence of diligent efforts expended in an attempt to obtain the signature of the non-signing inventor. These include:**

**Registered Letter from the applicant, DOLISOS Laboratoires, to the non-signing inventor soliciting his signature on the Declaration and Power of Attorney dated January 30, 2002, with French Postal Receipt, such receipt acknowledged by signature of the non-signing inventor on February 1, 2002.**

**Follow-up Letter from the applicant, DOLISOS Laboratoires, to the non-signing inventor soliciting his signature on the Declaration and Power of Attorney dated February 21, 2002, with French Postal Receipt indicating that the non-signing inventor refused to claim the Letter on February 27, 2002.**

**Follow-up Letter from the applicant, DOLISOS Laboratoires, to the non-signing inventor soliciting his signature on the Declaration and Power of Attorney dated November 5, 2002, with French Postal Receipt, such receipt acknowledged by signature of the non-signing inventor on November 8, 2002.**

**Follow-up Letter from the applicant, DOLISOS Laboratoires, to the former employer of non-signing inventor (AIRSEC - Groupe CHEMIE) soliciting information and assistance regarding the non-signing inventor.**

**Response from AIRSEC - Groupe CHEMIE to the applicant, DOLISOS Laboratoires, explaining that the non-signing inventor's former employer has had no contact with the non-signing inventor and explaining that they have not been able to make contact with the non-signing inventor, dated November 18, 2002.**

The date and contents of the filing are not in dispute.

#### **R E M A R K S**

The applicants acknowledge the April 29, 2002 Office communication. The Office acknowledges the applicants' RENEWED PETITION and its contents. In dismissing the applicants' Renewed Petition of record, the Office finds fault with the applicants' "demonstration that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor for signature." MPEP Section 409.03(d).

That the applicants have submitted the "oath or declaration" to the inventor multiple times is not in dispute.

The Office now solicits evidence that the Specification was presented. Moreover, the Office solicits non-statutory and non-MPEP evidence that the applicants have given the non-signing inventor a deadline for complying, clearly stating that failure to comply would be interpreted as a refusal to sign.

With this response, the applicants are pleased to provide a copy of a Registered Letter from the applicants, Homeopathie DOLISOS, to the non-signing inventor, forwarding a complete copy of the US "patent application US-09/869,768", a complete copy of the "international application PCT/FR/03 317" from which the US application is derived, a "Declaration" for signature by the non-signing inventor for filing in the US application, the applicants' letter providing a deadline for response of June 20, 2003, and explaining that "Failure by yourselves to answer before that deadline will be deemed to be a refusal to sign." The correspondence is provided in its original French form along with a certified translation. Moreover, the applicants provide return postal receipt signed by the non-signing inventor acknowledging receipt. No answer or signed Declaration has been received from the inventor to date.

\* \* \* \* \*

Thus, as per the Office request, the applicants have provided a Petition by "a person having firsthand knowledge of the facts recited therein", that "a diligent effort was made..." to contact the non-signing inventor and obtain his signature, and that the inventor, when contacted, consistently refuses to sign the Declaration and Power of Attorney. In addition, the applicants have provided Certified translations of the evidence already of record, as well as additional evidence which has become available during the course of the prosecution of the instant application. And finally, the applicants have provided evidence that

the non-signing inventor has been provided with, and has received, a complete copy of the US and International Applications, along with an explanation that failure to sign and return the Declaration by a date certain will constitute a refusal to sign. It is submitted that the applicants have fulfilled, at least, the statutory requirement under 37 CFR § 1.47(a).

Accordingly, reconsideration and withdrawal of the dismissal of the Petition under 37 CFR § 1.47(a), and commencement of the examination of the instant application are all hereby respectfully solicited. It should be apparent that the undersigned attorney has made an earnest effort to comply with more than the statutory requirement. If he can be of assistance to the Office in the elimination of any possibly-outstanding insignificant impediment to immediate examination, the Office is respectfully invited to call him at his below-listed number for such purpose.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

By:   
G. PATRICK SAGE

Dated: July 29, 2003  
Customer No.: 25,666  
500 Columbia Plaza  
350 East Michigan Ave.  
Kalamazoo, MI 49007-3856  
(269) 382-0030

Enclosures: Copy of June 3, 2003 correspondence forwarding a complete copy of the US and International Applications, along with an explanation that failure to sign and return the Declaration by a certain date would constitute a refusal to sign, Certified Translation of the same,

Fee for one (1) month extension in the form of our check no. 71795 for \$110.00, and

Return Postal Card Receipt.

**LAWYERS' AND MERCHANTS' TRANSLATION BUREAU, INC.**  
Legal, Financial, Scientific, Technical and Patent Translations  
**11 BROADWAY**  
**NEW YORK, NY 10004**



## Certificate of Accuracy

**TRANSLATION**  
From French into English

On this day personally appeared before me  
who, after being duly sworn, deposes and states:      Elisabeth A. Lucas

That he is a translator of the **French** and English languages by profession and as such connected with the **LAWYERS' & MERCHANTS' TRANSLATION BUREAU;**

That he is thoroughly conversant with these languages;

That he has carefully made the attached translation from the original document written in the **French** language; and

That the attached translation is a true and correct English version of such original, to the best of his knowledge and belief.

**SUBSCRIBED AND SWORN TO BEFORE ME  
THIS**

line

JUL 23 2003

Susan Tapley

**Susan Fapoy**  
**Notary Public, State of New York**

No. 01TA4999804

Qualified in Queens County  
Certificate filed in New York County  
and Kings County  
Signature: *John J. O'Farrell*

**Commission Expires July 27, 2002**

HOMEOPATHIE

**Dolisos**

**Address for correspondence**

Elodie Montagne  
1, avenue d'Albi  
81106 Castres Cedex - France  
Tel.: 05.63.71.47.25-  
Fax.: 05.63.71.47.33  
Elodie montagne@pierre-fabre.com

**M. GIRAUD Jean-Pierre**  
**7, rue de la Nativité**

**3 June 2003**

**REGISTERED LETTER WITH RETURN RECEIPT**

Ref.: EM/FE/Lettre Elodie  
Re:  
**DOLISOS/AIRSEC**  
**Patent for Granule Dispensing Tube**

Dear Sir:

We wish to point out that we have already sent you three letters regarding the "Granule Dispensing Tube" patent.

We have not yet had any reply from you.

For your assistance, we enclose a complete copy of the American patent application US-09/869,768.

This patent application arises from the international patent application PCT/FR/03 317, of which we also enclose a copy.

You will note that the papers for US patent application 09/869,768 include a document entitled "Declaration": we would be grateful if you would sign this and return it to us.

This document is needed in order to progress the American application.

Please ensure that this document is signed and returned to us before June 20, 2003.

Failure by yourselves to answer before that deadline will be deemed to be a refusal to sign.

With our thanks in advance for your prompt attention to this matter.

Sincerely yours,

[signature]  
Elodie Montagne

Encs: 3 documents

LA POSTE  
RA 5222 2406  
5 FR

Return receipt of  
your registered mail

Presented on:  
Delivered on: 06/13/03

Laboratoires Dolisos  
1 avenue d'Alibi  
81100 Castres

LA POSTE

Mailing of a registered object  
with return receipt

RA 5222 2406 5FR

RA 5222 2406 5FR

REGISTRATION RATE R1 R2 R3

This box for [illegible] only
Presented on _____
Delivered on _____
Signature of recipient _____ [illegible]

ADDRESSEE LETTER <input checked="" type="checkbox"/> PARCEL <input type="checkbox"/>
M. GIRAUD, Jean-Pierre
7, rue de la Nativité
75012 PARIS
SENDER
Laboratoires Dolisos
1 avenue d'Alibi
81100 Castres

USE A BALL-POINT PEN/PRESS  
HARD

PROOF OF DELIVERY  
PASSAGE RECEIPT  
PROOF OF DEPOSIT  
REGISTERED [CUT OFF]

Adresse pour correspondance

**Elodie MONTAGNE**  
1, avenue d'Albi  
81106 Castres Cedex - France  
Tél. : 05.63.71.47.25 - Fax : 05.63.71.47.33  
elodie.montagne@pierre-fabre.com

**M. GIRAUD Jean-Pierre**  
**7, rue de la Nativité**

75012 PARIS

Castres, 3 juin 2003

PAR LETTRE RECOMMANDÉE  
AVEC ACCUSE RECEPTION

Réf. : EM / FE / Lettre Elodie

Objet :

**DOLISOS /AIRSEC**  
**Brevet Tube distributeur de granules**

Monsieur,

Nous vous rappelons que nous vous avons déjà transmis trois courriers concernant le brevet « tube distributeur de granules ».

Nous n'avons reçu aucune réponse de votre part à ce jour.

A toutes fins utiles, nous vous transmettons une copie complète de la demande de brevet américaine US-09/869,768.

Cette demande de brevet est issue de la demande de brevet internationale PCT/FR/03 317, dont nous vous transmettons également une copie.

Vous noterez que dans les pièces de la demande de brevet US-09/869,768 figure un document intitulé « Declaration » que nous vous remercions par avance de signer et de nous retourner.

Ce document est nécessaire pour que la demande américaine puisse prospérer.





Nous vous remercions par avance de nous retourner ce document signé avant le 20 juin 2003.

Nous vous informons qu'un défaut de réponse de votre part dans ce délai sera considéré comme refus de signer.

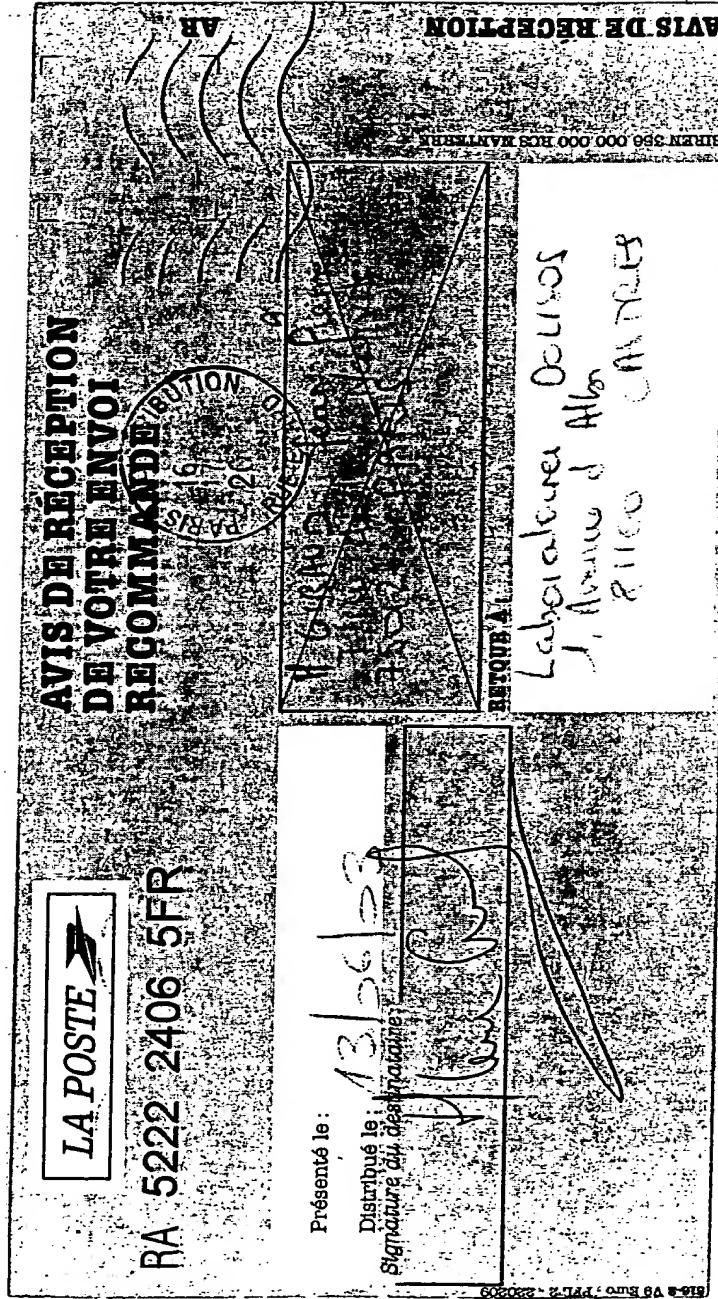
Nous vous remercions par avance de votre diligence dans ce dossier.

Nous vous prions d'agréer, Monsieur, nos sincères salutations.



Elodie MONTAGNE

P.J. : 3 documents



LA POSTE

ENVOI D'UN OBJET RECOMMANDÉ  
AVEC AVIS DE RÉCEPTION  
RA 5222 2406 5FR

RA 5222 2406 5FR



TAUX DE RECOMMANDATION RA  R2  R3

Cadeau réservé au service

Présentation le \_\_\_\_\_

Distribution le \_\_\_\_\_  
Signature du destinataire : \_\_\_\_\_

DE destinataire : LETTRE D'OLIS

M. GIRAUD Jean Paris  
77 rue du la Madeline  
75012 PARIS

expéditeur

La Poste de Paris  
1 Avenue d'Athènes  
75116 PARIS

Date Prix Contre-Réception Nature de l'objet

SIREN 366 000 000 RCS NANTERRE

PREUVE DE DISTRIBUTION

AVIS DE PASSAGE

PREUVE DE DEPOT

PREUVE DE DISTRIBUTION

UTILISER UN STYLO À BILLE / APPUYER FORTEMENT

DT20 Rec'd PCT/PTO 06 OCT 2003

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a)



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington DC 20231 on October 3, 2003.

D. Newton  
Dated: October 3, 2003

#16

PF 96 PCT/dln

\* \* \* \* \*

**ATTENTION: BRIAN TUNG, ESQ.**

Applicants : Jean Pierre GIRAUD & Roger NOBILET  
Title : DISPENSER OF OBJECTS  
Serial No. : 09/869,768  
Int. Filing Date : 30 DEC 1999  
Art Unit : 3651

\* \* \* \* \*

Honorable Commissioner of Patents and Trademarks  
Washington, D.C. 20231

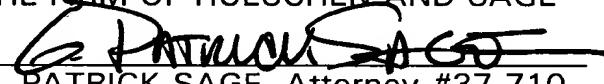
**TRANSMITTAL OF DUPLICATE RENEWED PETITION**

Dear Mr. TUNG:

In accord with your phone call to our offices on 02 OCT 2003, herewith please find a copy of the Renewed Petition under 37 CFR 1.47(a), mailed by us on 29 JUL 2003, along with a copy of our return post card, stamped by the USPTO showing a receipt date of on 01 AUG 2003. We are advised by our bank that our check for the one-month extension cleared 11 AUG 2003.

Respectfully submitted,

THE FIRM OF HUESCHEN AND SAGE

  
G. PATRICK SAGE, Attorney #37,710

Dated: October 3, 2003

**Customer No. 25,666**  
500 Columbia Plaza  
350 East Michigan Avenue  
Kalamazoo, MI 49007  
(269) 382-0030

Enclosure: Return Postal Card Receipt  
Copy of Renewed Petition with copy of return post card



Applicant : Jean Pierre GIRAUD & Roger NOBILET  
Serial No. : 09/869,768  
Filed : June 29, 2001  
Title : Dispenser of Objects  
Art Unit : 3651  
Examiner : Deborah D. WILLIAMS, Esq.

RECEIVED  
AUG 1 2003

The USPTO mailroom stamp affixed hereon will acknowledge receipt by Certificate of Mailing filing procedure of: RENEWED PETITION UNDER 37 CFR § 1.47(a), Copy of June 3, 2003 correspondence forwarding a complete copy of the US and International Applications, along with an explanation that failure to sign and return the Declaration by a certain date would constitute a refusal to sign, Certified Translation of the same, Fee for one (1) month extension in the form of our check no. 71795 for \$110.00, and Return Postal Card Receipt.

PF 96 PCT / July 29, 2003 / gpsage

DT14 Rec'd PCT/PTO 01 AUG 2003